

REMARKS

The present application was filed on March 26, 2001 with claims 1-25. In previous responses, Applicants canceled claims 6, 10, 11, 17-19 and 22. Claims 1-5, 7-9, 12-16, 20, 21 and 23-25 are pending, with claims 1, 12, 21 and 25 being the independent claims.

In the outstanding Office Action, the Examiner rejected claims 1-5, 7-9, 12-16, 20, 21 and 23-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,852,803 to Ashby, III et al. (hereinafter "Ashby") in view of U.S. Patent No. 6,453,281 to Walters et al. (hereinafter "Walters") in further view of U.S. Patent No. 6,173,250 to Jong (hereinafter "Jong").

In this response, Applicants traverse the 103(a) rejection for at least the following reasons.

Independent claims 1, 21 and 25 had been previously amended to recite that "speech-to-text conversion is performed on a computing device remotely located with respect to a computing system performing the other steps, and further wherein the computing device that performs the speech-to-text conversion archives electronically-readable identifiers and associated text-converted spoken utterances." This language is illustratively supported in the present specification at page 10, lines 9-28, which describes FIG. 4.

Similarly, independent claim 12 was previously amended to recite "a remotely-located speech recognition system for: (i) uploading from the storage mechanism the association of the electronically-readable identifier input from the item and the spoken utterance input from the user; (ii) converting the spoken utterance to text, wherein the corresponding text can be archived; and (iii) downloading to the storage mechanism the corresponding text; and a text-to-speech system operatively coupled to the storage mechanism and operative to convert the corresponding text back to speech when the electronically-readable identifier associated with the spoken utterance is subsequently re-inputted." Again, this is illustratively supported in the present specification at page 10, lines 9-28, which describes FIG. 4.

The Ashby//Walters/Jong combination fails to teach or suggest at least these limitations. No where does the combination disclose a remotely-located computing device that performs speech-to-text conversion, and that uploads, archives, and downloads, as in the claimed invention.

Furthermore, as pointed out in Applicants' previous response, any combination between Ashby and Jong clearly lacks legally-sufficient motivation. Ashby is directed to problems associated with recording and retrieving audio information associated with a product label, while Jong is directed to problems associated with transmitting data over the Internet. That is, the teachings in each reference are directed to completely different environments; one (Ashby) toward product labeling, the other (Jong) toward Internet communication. However, other than a very general and conclusory statement at page 5 in the Office Action, there is nothing in the two references that reasonably suggests why one would actually combine the teachings of these two references.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority." Id. at 1343-1344.

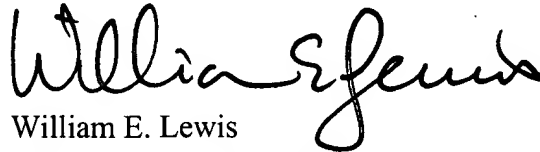
In the Office Action, at page 5, the Examiner provides the following statement to prove motivation to combine Ashby and Walters with Jong, with emphasis supplied: "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Ashby . . . in view of Walters . . . as taught by Jong . . . in order to provide an efficient centralized way to transmit speech data and to facilitate speech processing of data . . ."

Applicants submit that the statement at page 5 of the Office Action is based on the type of "subjective belief and unknown authority" that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed combination.

Furthermore, the Examiner states at page 9 of the Office Action that "the common elements of Walters, Jong, and Ashby pertain to the efficient storage and transmission of audio/speech information." It is still unclear how this additional statement adequately addresses the factual question of motivation, as required by the Federal Circuit.

In view of the above, Applicants believe that claims 1-5, 7-9, 12-16, 20, 21 and 23-25 are in condition for allowance, and respectfully request withdrawal of the various §103 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with a large initial "W" and a stylized "L".

Date: September 6, 2005

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